

REMARKS/ARGUMENTS

The Office Action mailed January 3, 2006 has been reviewed and carefully considered. Claims 8 and 10-19 are pending in this application, with claims 8 and 17 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claim Amendments

Independent claim 8 is amended to recite "said tongue being slidably adjustable so that said tongue slides along a longitudinal length of said tongue in response to axial adjustment of said actuating rod to an adjusted position between a closure position and an open position". Support for this feature is found at page 5, lines 29-31, of the specification which states that the covering 7 is pushed over the trough 5, original claim 1 which states that the covering is displaced forwards and backwards, and Fig. 2 which shows that the covering slides forwards and backwards in response to actuation of the actuator rod 6.

Dependent claim 17 has been rewritten in independent form including the limitations of independent claim 8.

Rejection of the Claims under 35 U.S.C. §103

Claims 8 and 10-19 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 4,953,559 (Salerno) in view of U.S. Patent No. 4,569,131 (Falk).

Independent claim 8 now recites "said tongue being slidably adjustable so that said tongue slides along a longitudinal length of said tongue in response to axial adjustment of said actuating rod to an adjusted position between a closure position and an open position".

The Examiner alleges that the pivoting movement of the spoon-like appendage 4 of Salerno is the same as being adjustable along a longitudinal length of the tongue. While

applicant does not believe the Examiner's allegation to be correct, applicant has now amended independent claim 8 to recite that the tongue is slidably adjustable so that the tongue slides along a longitudinal length of the tongue in response to axial adjustment of said actuating rod". The pivoting of the appendage 4 about a transverse axis can not be considered to disclose, teach or suggest a tongue "sliding along a longitudinal length of the tongue", as now expressly recited in independent claim 8.

Independent claim 17 recites "wherein said tongue comprises a thin strip having a longitudinal length, wherein the position of said covering is adjustable by axially displacing the thin strip along the longitudinal length of the thin strip so that the strip moves across the opening defined by said spoon-shaped trough in response to said actuating rod". The Examiner previously rejected this limitation stating that the entire longitudinal length of the covering (appendage 4) in Salerno is displaced as the covering pivots. Independent claim 17 is allowable over Salerno and Falk because these references fail to disclose (1) that the covering is axially displaced long the longitudinal length thereof and (2) that the strip moves across the opening defined by the spoon-shaped trough.

The appendage 4 of Salerno is arranged at the end of a lever 5 which is articulated about a transverse axis 8 (see col. 2, lines 57-62, of Salerno). When the lever is pivoted, the appendage 4 is circumferentially displaced and not axially displaced along a longitudinal axis of the covering. Even though the movement of the appendage 4 has a component in the axial direction, it can not be considered to be an axial displacement "along the longitudinal length of the cover", as recited in independent claim 17. Rather Salerno discloses a circumferential displacement about the pivoting axis. The circumferential displacement of the appendage in Salerno and the axial displacement of the claimed cover are two entirely different types of

movement. Regarding the second reason, the pivoting action of the lever does not move the appendage 4 across the opening of the trough in Salerno. Rather, the appendage 4 is moved onto the other appendage 2. At the end of the pivoting range, the movement of appendage 4 is substantially perpendicular to the other appendage 2. Accordingly, the pivotal movement of the appendage 4 of Salerno can not be considered to be moving across the opening defined by the trough.


In view of the above amendments and remarks, independent claims 8 and 17 are deemed to be allowable over Salerno in view of Falk.

Dependent claims 10-16 and 18-19, each being dependent on one of independent claims 8 and 17, are allowable for at least the same reasons as are independent claims 8 and 17, as well as for the additional recitations contained therein.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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